

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JAN 28 2013
at 2 o'clock and 25 min. P.M.
SUE BEITIA, CLERK

COUNT 1

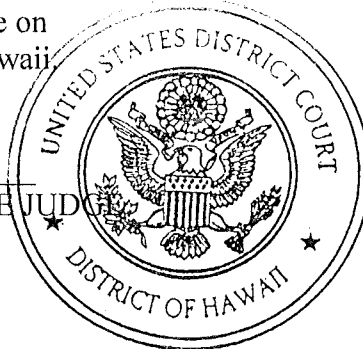
That on or about January 24, 2013 in the District of Hawaii, defendant Marco Paulo RODRIGUES, knowingly possessed a firearm and or ammunition that had previously affected interstate commerce while being an illegal user of a controlled substance all in violation of Title 18 U.S.C. Section 922 (g) (3) .

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based upon the facts set forth in the attached "Agent's Affidavit in Support of Criminal Complaint," which is incorporated herein by reference.


GERY GRAHAM
COMPLAINANT

Subscribed to and sworn before me on
January 28, 2013, at Honolulu, Hawaii


UNITED STATES MAGISTRATE JUDGE
District of Hawaii



AGENT'S AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

GERY J. GRAHAM, after being first duly sworn on oath, deposes and says:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") assigned to District of Hawaii.

2. From January 22-24, 2013, the United States Marshalls Service (USMS), Hawaii Fugitive Task Force conducted a warrant sweep on the island of Kauai. The mission focus was to apprehend individuals who have been charged with a drug offense or have a criminal history involving drug related violations and or crimes of violence.

3. On January 24, 2013, at approximately 9:20am, United States Marshalls Service (USMS), Alcohol, Tobacco, Firearms and Explosives (ATF) along with Kauai Police Department (KPD) officers arrested Marco Paulo RODRIGUES, pursuant to outstanding warrants for Motion for Revocation or Modification of Probation for Failure to Comply with Courts Orders CR. NO. 11-1-0280 and Contempt of Court for Failure to Appear, Make Payment and/or Comply with the Court Order Case ID: 5DTA -11-00215.

4. On this same date, at approximately 12:05 pm, ATF Special Agent (SA) Gery Graham along with USMS Dexter Gapusan interviewed RODRIGUES at the KPD receiving desk. At this time, SA Graham identified himself to RODRIGUES by displaying his ATF credentials. SA Graham then read RODRIGUES his constitutional rights to remain silent verbatim per DEA13A (6/84). After waiving his constitutional rights to remain silent RODRIGUES stated the following:

- That his camp that was setup in Kapaia Valley located on Grove Farm belonged to him;
- That everything at the campsite also belonged to him;
- That the Savage Arms .22 caliber rifle, model 65M, serial number C082965 that was found outside of his tent belonged to him;
- That he traded the rifle with a male, who is approximately thirty-five (35) years of age;
- That the Budweiser bottle manufactured into a "Bong" belonged to him and that he uses it to smoke marijuana.

6. At this time, SA Graham also asked RODRIGUES about his drug usage, at which time he admitted the following:

- That he started smoking marijuana and "crank" at the age of seventeen (17) approximately 20 years ago;
- RODRIGUES explained that "crank" is "ice" or crystal methamphetamines;
- That he prefers to smoke "ice" because marijuana gives him headaches;
- That he smokes "ice" 2 to 3 times a day and that the longest he ever went without smoking "ice" was a week;
- The last time he smoked "ice" was yesterday (1/23/13).

7. On this same date, SA Graham contacted the office of Homeland Security Investigations (HSI) regarding RODRIGUES' citizenship status, at which time confirmed that RODRIGUES is not a United States citizen and that he is a green card holder and has been since 1976.


8. Checks into the aforementioned rifle revealed that it was not manufactured in the state of Hawaii.

FURTHER AFFIANT SAYETH NAUGHT


GERY J. GRAHAM

This Criminal Complaint and Agent's Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 2208 on January 28, 2013.

Subscribed to and sworn before me on
January 28, 2013, at Honolulu, Hawaii


UNITED STATES MAGISTRATE
District of Hawaii

